



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Western States Management Services, Inc.

File: B-240856; B-240857

Date: October 25, 1990

Fred Van Elk for the protester.

Herbert F. Kelley, Jr., Esq., Department of the Army, for the agency.

David Hasfurther, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protester's contention that amendments to two solicitations did not adequately place potential bidders on notice of the changed bid opening dates for both solicitations does not state a valid basis of protest where change in bid opening date in each solicitation amendment was clearly and reasonably apparent to any prudent bidder.

DECISION

Western States Management Services, Inc. protests that it was misled as to the bid opening dates of invitations for bids (IFB) Nos. DAHC43-90-B-0002 and DAHC43-90-B-0003, issued by the Western Commissary Region, U.S. Army Troop Support Agency, for shelf stocking and custodial services. Western requests that the procurements be resolicited.

We dismiss the protests.

The IFBs were issued on June 22, 1990, and established bid opening dates of August 16 and August 22, 1990 respectively. Amendment 1 to each IFB was issued jointly with the IFBs. The cover sheet to each amendment was checked to show that the original bid opening "is not extended." The block for description of the amendment contained the words "See attached." The attached sheet began with a paragraph which stated that the purpose of the amendment was to change the issue date and the bid opening date. The bid opening dates were shortened by each amendment to July 23 and July 24, respectively.

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Western maintains that it missed the revised bid opening dates because the cover sheet to each amendment was misleading. Western read that the original bid opening was not extended and believed that the bid opening date had not been changed.

Western has failed to advance a valid basis of protest. 4 C.F.R. § 21.3(m) (1990); See Federal Sales Serv., Inc., B-237978, Feb. 28, 1990, 90-1 CPD ¶ 249. There is no argument that the amendments in question changed the bid opening dates for the respective IFBs. Contrary to Western's position, the changes were not "buried" in the descriptions of the amendment changes. The fact that the bid opening date for each IFB was being changed was stated in the first line of the attached sheet and, therefore, should have been reasonably apparent to any prudent bidder who gave only cursory attention to the changes made by each amendment.

Michael R. Golden

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Assistant General Counsel